

## Newstead Town Board Meeting- July 22, 2019

The Board entered executive session at 6:43pm to discuss contractual issues on a motion from Councilman Jendrowski, seconded by Councilwoman Morlacci. Carried Unanimously

The Board exited executive session on a motion by Councilman Dugan, seconded by Councilman Burke at 7:00pm, having taken no action. Carried Unanimously

A public hearing was called to order by the Newstead Town Board on Monday, July 22, 2019 at 7:00pm at the Newstead Town Hall.

Present: David Cummings- Supervisor  
John Jendrowski- Councilman  
Edmund Burke- Councilman  
Joseph Dugan- Councilman  
Jeannine Morlacci- Councilwoman  
Brendan Neill- Town Attorney  
Emily Janicz- Assistant Town Attorney  
Scott Rybarczyk- Town Engineer  
Jennifer Herberger- Deputy Town Clerk

Roll Call was taken with all board members present.

The Supervisor called the **public hearing** on the request for a home-based business to be located at 12284 Nice Rd to order at 7:00pm.

The Clerk read proof of publication. The Supervisor explained that this has been before the Planning Board who recommended approval of the special use permit, engineering review was waived, and Erie County Planning submitted no comments.

Comments: no one appeared to speak

There being no further comments a motion was made by Councilman Dugan, seconded by Councilman Burke to close the public hearing at 7:02pm. Carried Unanimously

The **regular meeting** of the Town Board was called to order at 7:02pm with the same members present as listed above.

Councilman Jendrowski led the pledge to the flag.

Minutes from the regular meeting held on July 8, 2019 were presented for approval. A motion was made by Councilman Dugan, seconded by Councilman Jendrowski to approve as presented. Carried Unanimously

Minutes from the special meeting held on July 15, 2019 were presented for approval. A motion was made by Councilman Dugan, seconded by Councilman Burke to approve as presented. Carried Unanimously

**Agenda Changes** – a motion was made by Councilman Burke, seconded by Councilman Dugan to make the following agenda changes: add H. resolution to sign contract with Clarence Central School to collect taxes Carried Unanimously

**Communications** – The Town Clerk presented the following correspondence:

Notifications were received from Charter Communications notifying the town of upcoming changes to their programming.

A Notice of Order was received from the NYS DOT lowering the speed limit on Howe Rd to 50 mph.

The 2018 annual report was received from the Newstead Public Library.

The 2019 annual report of 2018 equalizations rates and tax rates was received from the Erie County Department of Real Property Tax Services.

A letter was received from the Erie County Clerk's Zombies Initiative Team with a packet of information for towns on their zombie homes initiative plan.

A notice of a seminar to be held on August 7, 2019 from 8:30am-3:30pm at the UB south Campus regarding UrbanPlan for Public Officials.

An extensive letter from Walter Lipka to expose corruption in the Erie County Surrogate's Court and the cover up that followed, which has been sent to every town and Erie County & NYS officials.

A letter was received from Borrego Solar regarding a solar energy system that will be installed at 12963 Main Road in the town.

A motion was made by Councilman Dugan, seconded by Councilman Burke to accept and file the presented correspondence. Carried Unanimously

**Work Session:** The Supervisor reported that no work session was held last week due to the employee training session, but the following items were discussed prior to tonight's meeting: water & sewer project updates, planning item updates, building issues updates, grant updates, Emergency Coordinator applications, Mattioli property purchase, Limerick Hall, courts, joint meeting topics, plus any other items brought before the Board.

**Agenda Items Question Period:** no one spoke

**Approval of Bills** – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #1953 have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1954 & BAN payoff for payment. Vouchers on this abstract(s) numbered from 757-793, totaling \$2,426,642.90. Councilman Burke seconded to approve payment as follows:

Abstract Batch(es) #1954 & BAN payoff:  
General Fund (A) -\$31,346.66, General Fund- Outside Village (B) \$116.44, Highway (DA) -\$0, Highway: Outside Village (DB) \$16,587.48, CAP- Trail Grant (HTG)- \$600,000.00, CAP-Generator (HTI)-\$0, CAP-Water-Scotland (HS)- \$250,000.00, CAP- Water Improvement (HW)- \$1,140,000.00, CAP Water-Downey (HW01)- \$150,000.00, CAP- Water- Cedar (HW02)- \$135,000.00, CAP- Water-Knapp- (HW03) \$20,000.00, Drainage (SD)- \$408.00, Fire Protection (SF) \$5,000.00, Refuse (SR) \$27,288.37, Sewer #1 Fund (SS) \$27.91, Sewer District #2 (SS02)- \$67.67, Sewer District #3 (SS03)- \$0, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$50,800.37, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0; Total:\$2,426,642.90 Carried Unanimously

**COMMITTEE AND DEPARTMENT HEAD REPORTS:**

**Highway** – Superintendent Bassanello was not present and no report was given.

**Assessor** – Tina presented a report read by the Supervisor stating she is finalizing the land tables and will begin printing documents for the vacant land and agricultural portion of the reassessment project shortly. All sales data has been entered and she continues to work on new construction. She has reached a settlement on the pending Article 7 with no refunds for the 2017 and 2018 roll years.

**Building Office** – the following building report was presented by Christine Falkowski of the Planning & Building Department:

John Diggs	6173 Dye Rd	SFH
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Martin & Charlene Smith	11342 Miland Rd	Shed
Vito Destito	6140 Utley Rd	Ditch Fill
Robert C Simon	6337 Dye Rd	Ditch Fill

Braun's Concert Cove	11891 Main Rd	Special Event
Nick & Holly West	11830 Sheila Lane	In-Ground Pool
Michael Domino	13303 Stage Rd	Deck
Chuck & Jamie Congi	12070 Rapids	SFH
Phillip & Danielle Reusch	12516 Stage Rd	Renovations
Town of Newstead	5877 Buell St	Cell Tower Upgrades
Kurt Schie	6696 Utley Rd	Above-Ground Pool
James Styn	12887 Dorsch Rd	Siding
Todd Peters	12042 Meahl Rd	Roof

The Town Board accepted the building report as presented.

**Town Clerk-** The Dog Control Officers 2<sup>nd</sup> quarter report was submitted to the Board. Dawn will be out of town August 1st-4<sup>th</sup> so Jen will be in charge. Hunting licenses for 2019 go on sale August 1<sup>st</sup>.

**Town Attorney** – nothing at this time

**COUNCILPERSONS:**

**Jendrowski** – He and Councilman Dugan met with the Newstead Fire Co. President to begin talking about the upcoming contract, he spoke to Dan Kowalik regarding the open Deputy Disaster Coordinator position and spoke to a resident regarding required permits for removing soil from his property.

**Dugan** – met with the Newstead Fire Co. President and Councilman Jendrowski to discuss the upcoming contract and he attended the state mandated training last week.

**Burke** – he attended the training here last week and he recapped what has taken place with a resident at 7540 Cedar Street and his water issue.

**Morlacci** – nothing at this time

**Supervisor** – The June Supervisor's report is on file with the Town Clerk. He attended a meeting with ECWA regarding water issues on Cedar St, he is obtaining information regarding new legislation that pertains to mobile homes and will be discussing it with the board, he attended the training here last week and emailed the board on Friday to update them on the water issue at 7540 Cedar St.

**UNFINISHED BUSINESS:**

**Buildings** – working on LED lights at the Senior Center.

**Planning** – will be discussing Airbnb's at next work session.

**Water/Sewer** – the plans are out for review, wetlands delineation will take place this week if the weather holds up and there are upcoming grants for sewer and soil boring.

**Grants** – bike path should be completed in the next several weeks, still waiting for the State Legislature to act on the park grant and there are several new grants that are being worked on.

**NEW BUSINESS:**

**Approval – Culvert Assessment Grant Submission:**

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the submission of a grant application to seek funding to conduct a Culvert Assessment Report. (Resolution Attached) Cummings-Aye, Dugan-Aye, Burke-Aye, Jendrowski-Aye, Morlacci-Aye  
Carried Unanimously

**Approval- SUP & Site Plan – 12284 Nice Rd:**

A motion was made by Councilwoman Morlacci, seconded by Councilman Burke approving the special use permit and site plan for a home-based business for repair of lab and computer equipment at 12284 Nice Rd owned by Anthony Cinotti under “United Technology Services” subject to any terms set forth in the resolution.

(Resolution Attached) Cummings-Aye, Dugan-Aye, Burke-Aye, Jendrowski-Aye, Morlacci-Aye  
Carried Unanimously

**Approval – Sewer Consolidation Study Grant Submission:**

A motion was made by Councilman Jendrowski, seconded by Councilman Burke approving the submission of a grant application to seek funding to conduct a Sewer Consolidation Study.

(Resolution Attached) Cummings-Aye, Dugan-Aye, Burke-Aye, Jendrowski-Aye, Morlacci-Aye  
Carried Unanimously

**Lead Agency- SEQR – V/L Main and Crittenden Road:**

A motion was made by Councilman Burke, seconded by Councilman Dugan issuing a declaration of lead agency for the SEQR process for the purchase of the property located at Main and Crittenden Roads, SBL #61.00-2-33.12 and 61.00-2-33.13 aka 61.00-2-33.1.

(Resolution Attached) Cummings-Aye, Dugan-Aye, Burke-Aye, Jendrowski-Aye, Morlacci-Aye  
Carried Unanimously

**Award Bid for Waterline Installation Soil Bores:**

A motion was made by Councilman Dugan, seconded by Councilman Burke awarding the bid for conducting soil borings in accordance with the statement of work prepared by the Town Engineer to the lowest responsible bidder SJB Services Inc with a bid of \$4,900.00 and authorizing the Supervisor to execute the contract with the contractor.

(Resolution Attached) Cummings-Aye, Dugan-Aye, Burke-Aye, Jendrowski-Aye, Morlacci-Aye  
Carried Unanimously

**Approval- Northern Erie Sno-Seekers Request:**

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the request by the Northern Erie Sno-Seekers Inc for use of the bike path areas and park areas for their 2019-2020 snowmobiling season with restrictions.

Cummings-Aye, Dugan-Aye, Burke-Aye, Jendrowski-Aye, Morlacci-Aye Carried Unanimously

**Approval– Lateral Restriction Hardship Application - Crittenden Rd:**

A motion was made by Councilman Burke, seconded by Councilman Dugan approving the request for a Lateral Restriction Hardship Exception within Water District #5 for V/L on Crittenden Rd owned by Charles P. Tripi, based on supporting documentation submitted.

Cummings-Aye, Dugan-Aye, Burke-Aye, Jendrowski-Aye, Morlacci-Aye Carried Unanimously

**Approval- Clarence Central School Tax Collection Contract:**

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the contract renewal with Clarence Central School District for tax collection services for the 2019-2020 tax cycle, subject to the terms of the contract and authorizing the Supervisor to execute the contract.

(Resolution) Cummings-Aye, Dugan-Aye, Burke-Aye, Jendrowski-Aye, Morlacci-Aye  
Carried Unanimously

**Privilege of the Floor/Question Period:**

**CJ Sage, 15 Brodies Way** – spoke to the board regarding purchasing a village lot at the corner of Buell Street and Skyline Drive and tying into the town water. Scott advised him to go onto the ECWA’s website and download the new service packet and he also suggested he contact an engineer to discuss the installation of the sanitary sewer.

**Daryl Murszewski, 7540 Cedar Street** – Mr. Murszewski appeared again to share an easement and deed restrictions he found regarding the properties around him. He is also in the process of finalizing a report, including pictures, to present to the building department. The town will look into the situation and see what can be done now that they have been given more information.

**Spencer Brown, 11671 Rapids Road** – he appeared to voice his concern about a new build house going up next to his property. He feels that the grade of the property is much higher than his and he

will get all the water run-off. He has already met with the Code Enforcement Officer who told him the water will not affect his property, but he still has concerns. Scott will look at the plans and speak to the Code Enforcement Officer. Mr. Brown did provide a written statement that has been filed.

The Supervisor stated next Monday at 8:00pm there will be a meeting with the Village and he would like the Skyline and Buell Street water issue added to the agenda.

Also stated that the applications for the Deputy Disaster Coordinator will be reviewed this week.

There being no further business to come before the board for the regular meeting a motion was made by Councilwoman Morlacci, seconded by Councilman Jendrowski to adjourn the regular meeting at 8:05pm.

Carried Unanimously

Respectfully Submitted,  
Jennifer Herberger, Deputy Town Clerk